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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Eric AERTS

Confirmation No.: 2124

Serial No.: 10/001,286

Art Unit: 1771

Filed: November 30, 2001

Examiner: Christopher C. Pratt

For: NOT-SEW SEAMLESS
TECHNOLOGY

Attorney Docket 9971-005-999
No:

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Office Action dated September 9, 2003 imposing a five-way restriction requirement on the pending claims 1-73 into groups I-V corresponding to five distinct inventions. The restriction requirement requires an election under 35 U.S.C. § 121 of one of the five inventions.

The applicant, respectfully traverses the restriction requirement since examination of claims 1-73 does not necessitate separate or burdensome searches. Indeed, for instance, searching art in the context of any one of the patentably distinct Groups I-III would necessarily require substantial searching of art relevant to all of them. While Groups I-III are clearly not obvious variants of each other, for which recognition applicant gratefully thanks Examiner Pratt, it is also clear that a search directed to a 'laminated fabric with a cup' (Group II) will cover much art related to laminated garments and brassieres (Groups I and III).

The claims in Groups IV-V are directed to processes for making various laminated objects. As is clear, searching for laminated fabrics including brassieres will likely cover methods of making laminated fabrics as well as molding fabrics. Therefore, searches directed to Groups I-III will likely be highly relevant to the examination of claims in Groups IV-V. Therefore, since mere patentable distinctness is not sufficient to maintain a restriction requirement, applicants urge that in the interest of efficiency and thorough examination of the pending claims the restriction requirement be withdrawn.

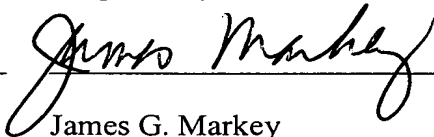
Provisionally, as is required by 37 CFR § 1.143, applicant elects Group II, with traverse, which group is identified by the Restriction Requirement to encompass claims 4, 7, 26-47 drawn to a fabric with a cup. Since, searches directed to claims in Group II will significantly overlap with searches useful for examining claims encompassed by Group I or Group III, applicant respectfully requests that the restriction requirement be at least modified to combine Group I-III. Applicant note that their representative Mr. Rattan Nath, an associate at Pennie & Edmonds, LLP, attorneys representing the applicant, responded to the call made by Examiner Pratt on August 8, 2003. In the ensuing conversation, Examiner Pratt was also of the opinion that a two-way restriction of claims 1-73 separating claims directed to apparatus and processes was possible. Therefore, applicant urges that the restriction requirement be at least modified so that claims 1-48 are encompassed in a single group.

Moreover, in view of the necessarily overlapping searches, maintaining the restriction requirement would only serve to impede prompt examination of the pending application and will impose unnecessary and excessive prosecution costs on the applicant. However, in the event the restriction is maintained, applicant hereby provisionally elects, with traverse, Group II.

No fee is believed to be due for this submission. In the event that any additional fee is required, please charge the required fee to Pennie & Edmonds LLP' Deposit Account No. 16-1150.

Respectfully submitted,

Date: October 9, 2003



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